

REMARKS

By this Amendment, claims 1-30 are amended, and new claims 31-41 are added. An Amendment Transmittal Form is attached, as is payment for the additional new claims and a Petition for Extension of Time and corresponding fee.

Claims 1-30 are amended solely to correct typographical and grammatical errors, and thus do not alter the scope or subject matter of the claims. Exemplary support for new claims 31-41 can be found in the specification, for example, at paragraphs 14 and 33-35. Accordingly, no new matter is added by this Amendment.

I. *Objections To The Claims*

The Office objects to claims 1, 10, 15, and 29 for failing to fully recite abbreviated terms, and for lack of proper antecedent bases for certain terms. By this Amendment, the claims are amended to address the Office's concerns. It is Applicant's understanding of Office rules that recitation in one claim of a full term and its abbreviation is sufficient to provide support for use of an abbreviation for the term in later claims. Therefore, Applicant believes that the amendments to the claims address all of the concerns, and thus request that the Office reconsider and withdraw the objections to claims 1, 10, 15, and 29.

II. *Claim Rejections Under 35 U.S.C. § 103*

A. Alteon In View Of He

The Office rejects claims 1-13, 15-27, 29, and 30 as unpatentable under 35 U.S.C. § 103(a) over Alteon in view of He. (Office Action at paragraph 4.) More specifically, the Office asserts that Alteon teaches an apparatus in which a network node that comprises at least two network interfaces examines intercepted data packets, modifies the packets, and directs the user to an optimum server. The Office further states that Alteon does not indicate that the user is directed to an optimum server based on the user's location. However, the Office asserts that this feature is supplied by He. Applicants respectfully traverse this rejection as it applies to present claims 1-13, 15-27, 29, and 30, and as it might be applied to new claims 31-41. For ease of reference, the disclosure of Alteon and He will be discussed with respect to the present independent claims (1, 17, 31, 37, 39). The dependent claims, which by definition include all of the elements and limitations of the claims from which they depend, are patentable over Alteon and He for at least the same reasons discussed with regard to the independent claims.

Alteon discloses systems and methods for network address translations (NAT). In that system, DNS requests are identified, intercepted, and automatically redirected. In the system, web switches perform the required NAT and send the DNS requests to DNS servers specified by the ISP. (See Alteon at page 2, "DNS Redirection Operation and Benefits" section.) This process is distinct and altogether different from the process recited in the present claims. In contrast to the NAT process of Alteon, the present invention modifies the actual DNS request to

request a different IP address than originally requested by the user. For example, as discussed in the present specification at paragraphs 33-35, the invention provides a method and hardware that can modify a DNS query from a general request for a server (*e.g.*, *www.some-company.com*) to a specific request for a particular geographically located server (*e.g.*, *www.dc.some-company.com*). This is a significant difference from Alteon, a difference that is not only not disclosed specifically, but not suggested by Alteon.

Analogizing the apparatus and method of Alteon and that of the present invention to regular postal mail, Alteon is reading a requested address on an envelope and changing the address to deliver the message contained in the envelope to a different address, whereas the present invention does not change the address of the envelope, but rather opens the envelope and changes the content of the message. Put another way, Alteon is delivering a request from a user to a server that was not intended to be reached by the user, whereas the present invention delivers the request to the intended server, but delivers a response from that server that answers a question that is different than the one posed by the user (*i.e.*, delivers an IP address that is different than the IP address requested). Alteon simply redirects DNS packets whereas the present invention modifies them. This is a significant difference between the two systems, apparatuses, and methods.

In view of the failure of Alteon to disclose or suggest modifying DNS packets, for the combination of Alteon and He to have rendered the present invention obvious, He must teach or suggest this concept. Applicant submits that He does not do so. Applicant submits that, like Alteon, He is focused on and limited to load balancing within a network. As such, He does not

approach the concept of modifying DNS packets, but rather is limited to redirection of entire DNS packets to a server of choice.

Because neither Alteon nor He disclose or suggest modifying DNS packets as part of a redirection system, the references, alone or in combination, fail to teach each and every element recited in the present claims. For at least this reason, Applicant submits that the presently claimed invention is not rendered obvious by the combination of Alteon and He. Accordingly, Applicant requests that the Office reconsider and withdraw the rejection of claims 1-13, 15-27, 29, and 30 as unpatentable under 35 U.S.C. § 103(a) over Alteon in view of He.

B. Alteon In View Of He and Macpherson

The Office rejects claims 14 and 28 as unpatentable under 35 U.S.C. § 103(a) over Alteon in view of He and Macpherson. (Office Action at paragraph 5.) More specifically, the Office rejects the claims for the reasons stated with respect to the earlier rejection over Alteon in view of He, but adds Macpherson for its teaching of use of a table with user location information. Applicant respectfully traverses this rejection as it applies to present claims 14 and 28, and as it might be applied to new claims 31-38. For ease of reference, the disclosure of Macpherson will be discussed with respect to the present independent claims (1, 17, 31, 37, 39). The disclosures of Alteon and He are discussed above. The dependent claims, including claims 14 and 28, which by definition include all of the elements and limitations of the claims from which they depend, are patentable over Alteon, He, and Macpherson for at least the same reasons discussed with regard to the independent claims.

As discussed above, the combination of Alteon and He fails to disclose or suggest modifying DNS packets. Therefore, in order for the combined teachings of Alteon, He, and Macpherson to have rendered obvious the present claims, Macpherson must disclose or suggest DNA packet modification. Applicant submits that Macpherson does not disclose or suggest this concept. As the Office appears to recognize, Macpherson is limited to a process for matching a user's location to his IP address (or other identifying characteristic). Applicants submit that Macpherson does not approach the concept of DNS packet modification. Indeed, it would appear that the only possible purpose Macpherson has for determining the location of a user is to provide geographically relevant content (see Macpherson at column 1, lines 14-26 and column 2, line 63 through column 3, line 2, for example). Macpherson does not disclose or suggest DNS packet modification and redirection of a user. Accordingly, Macpherson does not supply an element of the present claims that is missing from the combined teachings of Alteon and He.

Because Macpherson fails to disclose or suggest DNS packet modification, this reference fails to supply a claim element that is missing from the combined teachings of Alteon and He. For at least this reason, the combination of Alteon, He, and Macpherson fails to disclose or suggest all of the elements of the present claims, including claims 14 and 28. Accordingly, the combination of Alteon, He, and Macpherson fails to have rendered the presently claimed invention obvious. In view of this deficiency, Applicant requests that the Office reconsider and withdraw the rejection of claims 14 and 28 as unpatentable under 35 U.S.C. § 103(a) over Alteon, He, and Macpherson.

III. *Conclusion*

Applicant submits that all of the objections and rejections raised in the Office Action of 17 November 2005 have been addressed and overcome. Accordingly, Applicant requests that the Office reconsider the outstanding objections and rejections, withdraw them, and allow this application to issue as a U.S. patent in due course.

If the Office believes anything further is necessary to place this application in even better condition for allowance, Applicant requests that the Office contact his undersigned representative at the telephone number or e-mail address below to discuss the remaining issues.

A Petition for Extension of Time is filed herewith, along with the appropriate fee. Applicant believes that no other petition or fee is required to enter this paper. However, if an additional petition is required, please grant it, and if an additional fee is due, please charge the fee to Deposit Account No. 50-3740.

Respectfully submitted,  
Sezen UYSAL



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